

106TH CONGRESS
2D SESSION

H. R. 4733

AN ACT

Making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for the
3 fiscal year ending September 30, 2001, for energy and
4 water development, and for other purposes, namely:

5 TITLE I

6 DEPARTMENT OF DEFENSE—CIVIL

7 DEPARTMENT OF THE ARMY

8 CORPS OF ENGINEERS—CIVIL

9 The following appropriations shall be expended under
10 the direction of the Secretary of the Army and the super-
11 vision of the Chief of Engineers for authorized civil func-
12 tions of the Department of the Army pertaining to rivers
13 and harbors, flood control, beach erosion, and related pur-
14 poses.

15 GENERAL INVESTIGATIONS

16 For expenses necessary for the collection and study
17 of basic information pertaining to river and harbor, flood
18 control, shore protection, and related projects, restudy of
19 authorized projects, miscellaneous investigations, and,
20 when authorized by laws, surveys and detailed studies and
21 plans and specifications of projects prior to construction,
22 \$153,327,000, to remain available until expended: *Pro-*
23 *vided*, That in conducting the Southwest Valley Flood
24 Damage Reduction, Albuquerque, New Mexico, study, the
25 Secretary of the Army, acting through the Chief of Engi-

1 Power Customers and 30 percent by CVP Water Contrac-
2 tors. The CVP Water Contractor share of this assessment
3 shall be collected by the Secretary through established Bu-
4 reau of Reclamation (Reclamation) Operation and Mainte-
5 nance ratesetting practices. The CVP Power Contractor
6 share of this assessment shall be assessed by Reclamation
7 to the Western Area Power Administration, Sierra Nevada
8 Region (Western), and collected by Western through es-
9 tablished power ratesetting practices. The authorized
10 amount collected shall be paid annually to the TPUD.

11 TITLE III

12 DEPARTMENT OF ENERGY

13 ENERGY PROGRAMS

14 ENERGY SUPPLY

15 For Department of Energy expenses including the
16 purchase, construction and acquisition of plant and capital
17 equipment, and other expenses necessary for energy sup-
18 ply, and uranium supply and enrichment activities in car-
19 rying out the purposes of the Department of Energy Orga-
20 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
21 sition or condemnation of any real property or any facility
22 or for plant or facility acquisition, construction, or expan-
23 sion; and the purchase of not to exceed 17 passenger
24 motor vehicles for replacement only, \$576,482,000 (in-
25 creased by \$40,000,000) to remain available until ex-

1 pending: *Provided*, That, in addition, royalties received to
2 compensate the Department of Energy for its participa-
3 tion in the First-Of-A-Kind-Engineering program shall be
4 credited to this account to be available until September
5 30, 2002, for the purposes of Nuclear Energy, Science and
6 Technology activities.

7 NON-DEFENSE ENVIRONMENTAL MANAGEMENT

8 For Department of Energy expenses, including the
9 purchase, construction and acquisition of plant and capital
10 equipment and other expenses necessary for non-defense
11 environmental management activities in carrying out the
12 purposes of the Department of Energy Organization Act
13 (42 U.S.C. 7101 et seq.), including the acquisition or con-
14 demnation of any real property or any facility or for plant
15 or facility acquisition, construction or expansion,
16 \$281,001,000, to remain available until expended.

17 URANIUM FACILITIES MAINTENANCE AND REMEDIATION 18 (INCLUDING TRANSFER OF FUNDS)

19 For necessary expenses to maintain, decontaminate,
20 decommission, and otherwise remediate uranium proc-
21 essing facilities, \$301,400,000, of which \$260,000,000
22 shall be derived from the Uranium Enrichment Decon-
23 tamination and Decommissioning Fund and of which
24 \$12,000,000 shall be derived by transfer from the United

1 States Enrichment Corporation Fund, all of which shall
2 remain available until expended.

3 SCIENCE

4 For Department of Energy expenses including the
5 purchase, construction and acquisition of plant and capital
6 equipment, and other expenses necessary for science ac-
7 tivities in carrying out the purposes of the Department
8 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
9 cluding the acquisition or condemnation of any real prop-
10 erty or facility or for plant or facility acquisition, construc-
11 tion, or expansion, and purchase of not to exceed 58 pas-
12 senger motor vehicles for replacement only,
13 \$2,830,915,000, to remain available until expended.

14 NUCLEAR WASTE DISPOSAL

15 For nuclear waste disposal activities to carry out the
16 purposes of Public Law 97-425, as amended, including
17 the acquisition of real property or facility construction or
18 expansion, \$213,000,000, to remain available until ex-
19 pended and to be derived from the Nuclear Waste Fund:
20 *Provided*, That not to exceed \$2,500,000 may be provided
21 to the State of Nevada solely for expenditures, other than
22 salaries and expenses of State employees, to conduct sci-
23 entific oversight responsibilities pursuant to the Nuclear
24 Waste Policy Act of 1982, Public Law 97-425, as amend-
25 ed: *Provided further*, That not to exceed \$5,887,000 may

1 be provided to affected units of local governments, as de-
2 fined in Public Law 97-425, to conduct appropriate activi-
3 ties pursuant to the Act: *Provided further*, That the dis-
4 tribution of the funds as determined by the units of local
5 government shall be approved by the Department of En-
6 ergy: *Provided further*, That the funds for the State of
7 Nevada shall be made available solely to the Nevada Divi-
8 sion of Emergency Management by direct payment and
9 units of local government by direct payment: *Provided fur-*
10 *ther*, That within 90 days of the completion of each Fed-
11 eral fiscal year, the Nevada Division of Emergency Man-
12 agement and the Governor of the State of Nevada and
13 each local entity shall provide certification to the Depart-
14 ment of Energy that all funds expended from such pay-
15 ments have been expended for activities authorized by
16 Public Law 97-425 and this Act. Failure to provide such
17 certification shall cause such entity to be prohibited from
18 any further funding provided for similar activities: *Pro-*
19 *vided further*, That none of the funds herein appropriated
20 may be: (1) used directly or indirectly to influence legisla-
21 tive action on any matter pending before Congress or a
22 State legislature or for lobbying activity as provided in 18
23 U.S.C. 1913; (2) used for litigation expenses; or (3) used
24 to support multi-State efforts or other coalition building
25 activities inconsistent with the restrictions contained in

1 this Act: *Provided further*, That all proceeds and recoveries
2 by the Secretary in carrying out activities authorized by
3 the Nuclear Waste Policy Act of 1982 in Public Law 97–
4 425, as amended, including but not limited to, any pro-
5 ceeds from the sale of assets, shall be available without
6 further appropriation and shall remain available until ex-
7 pended.

8 DEPARTMENTAL ADMINISTRATION

9 For salaries and expenses of the Department of En-
10 ergy necessary for departmental administration in car-
11 rying out the purposes of the Department of Energy Orga-
12 nization Act (42 U.S.C. 7101 et seq.), including the hire
13 of passenger motor vehicles and official reception and rep-
14 resentation expenses (not to exceed \$35,000),
15 \$153,527,000, to remain available until expended, plus
16 such additional amounts as necessary to cover increases
17 in the estimated amount of cost of work for others not-
18 withstanding the provisions of the Anti-Deficiency Act (31
19 U.S.C. 1511 et seq.): *Provided*, That such increases in
20 cost of work are offset by revenue increases of the same
21 or greater amount, to remain available until expended:
22 *Provided further*, That moneys received by the Department
23 for miscellaneous revenues estimated to total
24 \$111,000,000 in fiscal year 2001 may be retained and
25 used for operating expenses within this account, and may

1 remain available until expended, as authorized by section
2 201 of Public Law 95–238, notwithstanding the provisions
3 of 31 U.S.C. 3302: *Provided further*, That the sum herein
4 appropriated shall be reduced by the amount of miscella-
5 neous revenues received during fiscal year 2001 so as to
6 result in a final fiscal year 2001 appropriation from the
7 General Fund estimated at not more than \$42,527,000.

8 OFFICE OF THE INSPECTOR GENERAL

9 For necessary expenses of the Office of the Inspector
10 General in carrying out the provisions of the Inspector
11 General Act of 1978, as amended, \$31,500,000, to remain
12 available until expended, including conducting a study of
13 the economic basis of recent gasoline price levels.

14 ATOMIC ENERGY DEFENSE ACTIVITIES

15 NATIONAL NUCLEAR SECURITY

16 ADMINISTRATION

17 WEAPONS ACTIVITIES

18 For Department of Energy expenses, including the
19 purchase, construction and acquisition of plant and capital
20 equipment and other incidental expenses necessary for
21 atomic energy defense weapons activities in carrying out
22 the purposes of the Department of Energy Organization
23 Act (42 U.S.C. 7101 et seq.), including the acquisition or
24 condemnation of any real property or any facility or for
25 plant or facility acquisition, construction, or expansion;

1 and the purchase of passenger motor vehicles (not to ex-
2 ceed 12 for replacement only), \$4,625,684,000 (reduced
3 by \$46,000,000), to remain available until October 1,
4 2003.

5 DEFENSE NUCLEAR NONPROLIFERATION

6 For Department of Energy expenses necessary for
7 atomic energy defense and defense nuclear nonprolifera-
8 tion activities to carry out the Department of Energy Or-
9 ganization Act (42 U.S.C. 7101 et seq.), including acquisi-
10 tion (by purchase, condemnation, construction, or other-
11 wise) of real property, plant and capital equipment, facili-
12 ties, and facility expansion, \$861,477,000, to remain
13 available until October 1, 2003: *Provided*, That not to ex-
14 ceed \$7,000 may be used for official reception and rep-
15 resentation expenses for national security and non-
16 proliferation (including transparency) activities in fiscal
17 year 2001.

18 NAVAL REACTORS

19 For Department of Energy expenses necessary for
20 naval reactors activities to carry out the Department of
21 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
22 ing the acquisition (by purchase, condemnation, construc-
23 tion, or otherwise) of real property, plant, and capital
24 equipment, facilities, and facility expansion,
25 \$677,600,000, to remain available until expended.

1 OTHER DEFENSE RELATED ACTIVITIES

2 DEFENSE ENVIRONMENTAL RESTORATION AND WASTE
3 MANAGEMENT

4 For Department of Energy expenses, including the
5 purchase, construction and acquisition of plant and capital
6 equipment and other expenses necessary for atomic energy
7 defense environmental restoration and waste management
8 activities in carrying out the purposes of the Department
9 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
10 cluding the acquisition or condemnation of any real prop-
11 erty or any facility or for plant or facility acquisition, con-
12 struction, or expansion; and the purchase of 30 passenger
13 motor vehicles for replacement only, \$4,522,707,000, to
14 remain available until expended: *Provided*, That any
15 amounts appropriated under this heading that are used
16 to provide economic assistance under section 15 of the
17 Waste Isolation Pilot Plant Land Withdrawal Act, Public
18 Law 102-579, shall be utilized to the extent necessary to
19 reimburse costs of financial assurances required of a con-
20 tractor by any permit or license of the Waste Isolation
21 Pilot Plant issued by the State of New Mexico.

22 DEFENSE FACILITIES CLOSURE PROJECTS

23 For expenses of the Department of Energy to accel-
24 erate the closure of defense environmental management
25 sites, including the purchase, construction and acquisition

1 of plant and capital equipment and other necessary ex-
2 penses, \$1,082,297,000, to remain available until ex-
3 pended.

4 DEFENSE ENVIRONMENTAL MANAGEMENT

5 PRIVATIZATION

6 For Department of Energy expenses for privatization
7 projects necessary for atomic energy defense environ-
8 mental management activities authorized by the Depart-
9 ment of Energy Organization Act (42 U.S.C. 7101 et
10 seq.), \$259,000,000, to remain available until expended.

11 OTHER DEFENSE ACTIVITIES

12 For Department of Energy expenses, including the
13 purchase, construction and acquisition of plant and capital
14 equipment and other expenses necessary for atomic energy
15 defense, other defense activities, in carrying out the pur-
16 poses of the Department of Energy Organization Act (42
17 U.S.C. 7101 et seq.), including the acquisition or con-
18 demnation of any real property or any facility or for plant
19 or facility acquisition, construction, or expansion,
20 \$592,235,000, to remain available until expended.

21 DEFENSE NUCLEAR WASTE DISPOSAL

22 For nuclear waste disposal activities to carry out the
23 purposes of Public Law 97-425, as amended, including
24 the acquisition of real property or facility construction or

1 expansion, \$200,000,000, to remain available until ex-
2 pended.

3 POWER MARKETING ADMINISTRATIONS

4 BONNEVILLE POWER ADMINISTRATION FUND

5 Expenditures from the Bonneville Power Administra-
6 tion Fund, established pursuant to Public Law 93-454,
7 are approved for the Nez Perce Tribe Resident Fish Sub-
8 stitution Program, the Cour D'Alene Tribe Trout Produc-
9 tion facility, and for official reception and representation
10 expenses in an amount not to exceed \$1,500.

11 During fiscal year 2001, no new direct loan obliga-
12 tions may be made.

13 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
14 ADMINISTRATION

15 For necessary expenses of operation and maintenance
16 of power transmission facilities and of marketing electric
17 power and energy, including transmission wheeling and
18 ancillary services, pursuant to the provisions of section 5
19 of the Flood Control Act of 1944 (16 U.S.C. 825s), as
20 applied to the southeastern power area, \$3,900,000, to re-
21 main available until expended; in addition, notwith-
22 standing the provisions of 31 U.S.C. 3302, amounts col-
23 lected by the Southeastern Power Administration pursu-
24 ant to the Flood Control Act to recover purchase power
25 and wheeling expenses shall be credited to this account

1 as offsetting collections, to remain available until expended
2 for the sole purpose of making purchase power and wheel-
3 ing expenditures as follows: for fiscal year 2001, up to
4 \$34,463,000; for fiscal year 2002, up to \$26,463,000; for
5 fiscal year 2003, up to \$20,000,000; and for fiscal year
6 2004, up to \$15,000,000.

7 OPERATION AND MAINTENANCE, SOUTHWESTERN
8 POWER ADMINISTRATION

9 For necessary expenses of operation and maintenance
10 of power transmission facilities and of marketing electric
11 power and energy, and for construction and acquisition of
12 transmission lines, substations and appurtenant facilities,
13 and for administrative expenses, including official recep-
14 tion and representation expenses in an amount not to ex-
15 ceed \$1,500 in carrying out the provisions of section 5
16 of the Flood Control Act of 1944 (16 U.S.C. 825s), as
17 applied to the southwestern power area, \$28,100,000, to
18 remain available until expended; in addition, notwith-
19 standing the provisions of 31 U.S.C. 3302, not to exceed
20 \$4,200,000 in reimbursements, to remain available until
21 expended: *Provided*, That amounts collected by the South-
22 western Power Administration pursuant to the Flood Con-
23 trol Act to recover purchase power and wheeling expenses
24 shall be credited to this account as offsetting collections,
25 to remain available until expended for the sole purpose

1 of making purchase power and wheeling expenditures as
2 follows: for fiscal year 2001, up to \$288,000; for fiscal
3 year 2002, up to \$288,000; for fiscal year 2003, up to
4 \$288,000; and for fiscal year 2004, up to \$288,000.

5 CONSTRUCTION, REHABILITATION, OPERATION AND
6 MAINTENANCE, WESTERN AREA POWER ADMINIS-
7 TRATION

8 For carrying out the functions authorized by title III,
9 section 302(a)(1)(E) of the Act of August 4, 1977 (42
10 U.S.C. 7152), and other related activities including con-
11 servation and renewable resources programs as author-
12 ized, including official reception and representation ex-
13 penses in an amount not to exceed \$1,500, \$160,930,000,
14 to remain available until expended, of which \$154,616,000
15 shall be derived from the Department of the Interior Rec-
16 lamation Fund: *Provided*, That of the amount herein ap-
17 propriated, \$4,036,000 is for deposit into the Utah Rec-
18 lamation Mitigation and Conservation Account pursuant
19 to title IV of the Reclamation Projects Authorization and
20 Adjustment Act of 1992: *Provided further*, That amounts
21 collected by the Western Area Power Administration pur-
22 suant to the Flood Control Act of 1944 and the Reclama-
23 tion Project Act of 1939 to recover purchase power and
24 wheeling expenses shall be credited to this account as off-
25 setting collections, to remain available until expended for

1 the sole purpose of making purchase power and wheeling
2 expenditures as follows: for fiscal year 2001, up to
3 \$35,500,000; for fiscal year 2002, up to \$33,500,000; for
4 fiscal year 2003, up to \$30,000,000; and for fiscal year
5 2004, up to \$20,000,000.

6 FALCON AND AMISTAD OPERATING AND MAINTENANCE
7 FUND

8 For operation, maintenance, and emergency costs for
9 the hydroelectric facilities at the Falcon and Amistad
10 Dams, \$2,670,000, to remain available until expended,
11 and to be derived from the Falcon and Amistad Operating
12 and Maintenance Fund of the Western Area Power Ad-
13 ministration, as provided in section 423 of the Foreign
14 Relations Authorization Act, Fiscal Years 1994 and 1995.

15 FEDERAL ENERGY REGULATORY COMMISSION
16 SALARIES AND EXPENSES

17 For necessary expenses of the Federal Energy Regu-
18 latory Commission to carry out the provisions of the De-
19 partment of Energy Organization Act (42 U.S.C. 7101 et
20 seq.), including services as authorized by 5 U.S.C. 3109,
21 the hire of passenger motor vehicles, and official reception
22 and representation expenses (not to exceed \$3,000),
23 \$175,200,000, to remain available until expended: *Pro-*
24 *vided*, That notwithstanding any other provision of law,
25 not to exceed \$175,200,000 of revenues from fees and an-

1 nual charges, and other services and collections in fiscal
2 year 2001 shall be retained and used for necessary ex-
3 penses in this account, and shall remain available until
4 expended: *Provided further*, That the sum herein appro-
5 priated from the General Fund shall be reduced as reve-
6 nues are received during fiscal year 2001 so as to result
7 in a final fiscal year 2001 appropriation from the General
8 Fund estimated at not more than \$0.

9 GENERAL PROVISIONS

10 DEPARTMENT OF ENERGY

11 SEC. 301. (a) None of the funds appropriated by this
12 Act may be used to award a management and operating
13 contract unless such contract is awarded using competitive
14 procedures or the Secretary of Energy grants, on a case-
15 by-case basis, a waiver to allow for such a deviation. The
16 Secretary may not delegate the authority to grant such
17 a waiver.

18 (b) At least 60 days before a contract award, amend-
19 ment, or modification for which the Secretary intends to
20 grant such a waiver, the Secretary shall submit to the
21 Subcommittees on Energy and Water Development of the
22 Committees on Appropriations of the House of Represent-
23 atives and the Senate a report notifying the subcommit-
24 tees of the waiver and setting forth the reasons for the
25 waiver.

SEC. 302. (a) None of the funds appropriated by this Act may be used to award, amend, or modify a contract in a manner that deviates from the Federal Acquisition Regulation, unless the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

SEC. 303. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy,

1 under section 3161 of the National Defense Authorization
2 Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat.
3 2644; 42 U.S.C. 7274h).

4 SEC. 304. None of the funds appropriated by this Act
5 may be used to augment the \$24,500,000 made available
6 for obligation by this Act for severance payments and
7 other benefits and community assistance grants under sec-
8 tion 3161 of the National Defense Authorization Act for
9 Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644;
10 42 U.S.C. 7274h).

11 SEC. 305. None of the funds appropriated by this Act
12 may be used to prepare or initiate Requests For Proposals
13 (RFPs) for a program if the program has not been funded
14 by Congress.

15 (TRANSFERS OF UNEXPENDED BALANCES)

16 SEC. 306. The unexpended balances of prior appro-
17 priations provided for activities in this Act may be trans-
18 ferred to appropriation accounts for such activities estab-
19 lished pursuant to this title. Balances so transferred may
20 be merged with funds in the applicable established ac-
21 counts and thereafter may be accounted for as one fund
22 for the same time period as originally enacted.

23 SEC. 307. Of the funds in this Act provided to gov-
24 ernment-owned, contractor-operated laboratories, not to
25 exceed 4 percent shall be available to be used for Labora-
26 tory Directed Research and Development.

1 SEC. 308. (a) Of the funds appropriated by this title
2 to the Department of Energy, not more than
3 \$150,000,000 shall be available for reimbursement of
4 management and operating contractor travel expenses.

5 (b) Funds appropriated by this title to the Depart-
6 ment of Energy may be used to reimburse a Department
7 of Energy management and operating contractor for travel
8 costs of its employees under the contract only to the extent
9 that the contractor applies to its employees the same rates
10 and amounts as those that apply to Federal employees
11 under subchapter I of chapter 57 of title 5, United States
12 Code, or rates and amounts established by the Secretary
13 of Energy. The Secretary of Energy may provide excep-
14 tions to the reimbursement requirements of this section
15 as the Secretary considers appropriate.

16 SEC. 309. No funds are provided in this Act or any
17 other Act for the Administrator of the Bonneville Power
18 Administration to enter into any agreement to perform en-
19 ergy efficiency services outside the legally defined Bonne-
20 ville service territory, with the exception of services pro-
21 vided internationally, including services provided on a re-
22 imburseable basis, unless the Administrator certifies that
23 such services are not available from private sector busi-
24 nesses.

SEC. 310. None of the funds appropriated in this or any previous Energy and Water Development Appropriation Act for payment into the Department of Energy Working Capital Fund may be used to pay salaries and expenses of any employee of the United States Government.

SEC. 311. Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall transmit to the Congress a report on activities of the executive branch to address high gasoline prices and to develop an overall national energy strategy.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$63,000,000, to remain available until expended.

1 203, section 5051, \$2,700,000, to be derived from the Nu-
2 clear Waste Fund, and to remain available until expended.

3 TITLE V—RESCISSIONS

4 DEPARTMENT OF ENERGY

5 INTERIM STORAGE ACTIVITIES

6 (INCLUDING TRANSFER OF FUNDS)

7 (RESCISSION)

8 Of the funds appropriated in Public Law 104–46 for
9 interim storage of nuclear waste, \$85,000,000 are trans-
10 ferred to this heading: *Provided*, That such amount is
11 hereby rescinded.

12 TITLE VI—GENERAL PROVISIONS

13 SEC. 601. None of the funds appropriated by this Act
14 may be used in any way, directly or indirectly, to influence
15 congressional action on any legislation or appropriation
16 matters pending before Congress, other than to commu-
17 nicate to Members of Congress as described in section
18 1913 of title 18, United States Code.

19 SEC. 602. (a) PURCHASE OF AMERICAN-MADE
20 EQUIPMENT AND PRODUCTS.—It is the sense of the Con-
21 gress that, to the greatest extent practicable, all equip-
22 ment and products purchased with funds made available
23 in this Act should be American-made.

24 (b) NOTICE REQUIREMENT.—In providing financial
25 assistance to, or entering into any contract with, any enti-
26 ty using funds made available in this Act, the head of each

1 Federal agency, to the greatest extent practicable, shall
2 provide to such entity a notice describing the statement
3 made in subsection (a) by the Congress.

4 (c) PROHIBITION OF CONTRACTS WITH PERSONS
5 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—

6 If it has been finally determined by a court or Federal
7 agency that any person intentionally affixed a label bear-
8 ing a “Made in America” inscription, or any inscription
9 with the same meaning, to any product sold in or shipped
10 to the United States that is not made in the United
11 States, the person shall be ineligible to receive any con-
12 tract or subcontract made with funds made available in
13 this Act, pursuant to the debarment, suspension, and ineli-
14 gibility procedures described in sections 9.400 through
15 9.409 of title 48, Code of Federal Regulations.

16 SEC. 603. (a) None of the funds appropriated or oth-
17 erwise made available by this Act may be used to deter-
18 mine the final point of discharge for the interceptor drain
19 for the San Luis Unit until development by the Secretary
20 of the Interior and the State of California of a plan, which
21 shall conform to the water quality standards of the State
22 of California as approved by the Administrator of the En-
23 vironmental Protection Agency, to minimize any detri-
24 mental effect of the San Luis drainage waters.

1 (b) The costs of the Kesterson Reservoir Cleanup
2 Program and the costs of the San Joaquin Valley Drain-
3 age Program shall be classified by the Secretary of the
4 Interior as reimbursable or nonreimbursable and collected
5 until fully repaid pursuant to the “Cleanup Program—
6 Alternative Repayment Plan” and the “SJVDP—Alter-
7 native Repayment Plan” described in the report entitled
8 “Repayment Report, Kesterson Reservoir Cleanup Pro-
9 gram and San Joaquin Valley Drainage Program, Feb-
10 ruary 1995”, prepared by the Department of the Interior,
11 Bureau of Reclamation. Any future obligations of funds
12 by the United States relating to, or providing for, drainage
13 service or drainage studies for the San Luis Unit shall
14 be fully reimbursable by San Luis Unit beneficiaries of
15 such service or studies pursuant to Federal Reclamation
16 law.

17 SEC. 604. Section 6101(a)(3) of the Omnibus Budget
18 Reconciliation Act of 1990, as amended (42 U.S.C.
19 2214(a)(3)) is amended by striking “September 30, 2000”
20 and inserting “September 30, 2001”.

21 SEC. 605. None of the funds appropriated by this Act
22 shall be used to propose or issue rules, regulations, de-
23 crees, or orders for the purpose of implementation, or in
24 preparation for implementation, of the Kyoto Protocol
25 which was adopted on December 11, 1997, in Kyoto,

1 Japan at the Third Conference of the Parties to the
2 United Nations Framework Convention on Climate
3 Change, which has not been submitted to the Senate for
4 advice and consent to ratification pursuant to article II,
5 section 2, clause 2, of the United States Constitution, and
6 which has not entered into force pursuant to article 25
7 of the Protocol. The limitation established in this section
8 shall not apply to any activity otherwise authorized by law.

9 SEC. 606. (a) ENERGY POLICY AND CONSERVATION
10 ACT AMENDMENTS.—The Energy Policy and Conserva-
11 tion Act is amended—

12 (1) by amending section 166 (42 U.S.C. 6246)
13 to read as follows:

14 “AUTHORIZATION OF APPROPRIATIONS

15 “SEC. 166. There are authorized to be appropriated
16 for fiscal years 2000 through 2003 such sums as may be
17 necessary to implement this part.”;

18 (2) in section 181 (42 U.S.C. 6251) by striking
19 “March 31, 2000” both places it appears and insert-
20 ing “September 30, 2003”; and

21 (3) in section 281 (42 U.S.C. 6285) by striking
22 “March 31, 2000” both places it appears and insert-
23 ing “September 30, 2003”.

24 (b) PURCHASE OF OIL FROM MARGINAL WELLS.—

25 (1) PURCHASE OF OIL FROM MARGINAL
26 WELLS.—Part B of title I of the Energy Policy and

Conservation Act (42 U.S.C. 6232 et seq.) is amended by adding the following new section after section 168:

“PURCHASE OF OIL FROM MARGINAL WELLS

“SEC. 169. (a) IN GENERAL.—From amounts authorized under section 166, in any case in which the price of oil decreases to an amount less than \$15.00 per barrel (an amount equal to the annual average well head price per barrel for all domestic crude oil), adjusted for inflation, the Secretary may purchase oil from a marginal well at \$15.00 per barrel, adjusted for inflation.

“(b) DEFINITION OF MARGINAL WELL.—The term “marginal well” means a well that—

“(1) has an average daily production of 15 barrels or less;

“(2) has an average daily production of 25 barrels or less with produced water accounting for 95 percent or more of total production; or

“(3) produces heavy oil with an API gravity less than 20 degrees.”.

(2) CONFORMING AMENDMENT.—The table of contents for the Energy Policy and Conservation Act is amended by inserting after the item relating to section 168 the following:

“Sec. 169. Purchase of oil from marginal wells.”.

(c) NORTHEAST HOME HEATING OIL RESERVE.—

(1) AMENDMENT.—Title I of the Energy Policy and Conservation Act is amended by—

(A) redesignating part D as part E;

(B) redesignating section 181 as section 191; and

(C) inserting after part C the following new part D:

“PART D—NORTHEAST HOME HEATING OIL RESERVE
“ESTABLISHMENT

“SEC. 181. (a) Notwithstanding any other provision of this Act, the Secretary may establish, maintain, and operate in the Northeast a Northeast Home Heating Oil Reserve. A Reserve established under this part is not a component of the Strategic Petroleum Reserve established under part B of this title. A Reserve established under this part shall contain no more than 2 million barrels of petroleum distillate.

“(b) For the purposes of this part—

“(1) the term ‘Northeast’ means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, and New Jersey; and

“(2) the term ‘petroleum distillate’ includes heating oil and diesel fuel.

“AUTHORITY

“SEC. 182. To the extent necessary or appropriate to carry out this part, the Secretary may—

“(1) purchase, contract for, lease, or otherwise acquire, in whole or in part, storage and related facilities, and storage services;

“(2) use, lease, maintain, sell, or otherwise dispose of storage and related facilities acquired under this part;

“(3) acquire by purchase, exchange (including exchange of petroleum product from the Strategic Petroleum Reserve or received as royalty from Federal lands), lease, or otherwise, petroleum distillate for storage in the Northeast Home Heating Oil Reserve;

“(4) store petroleum distillate in facilities not owned by the United States;

“(5) sell, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part; and

“(6) notwithstanding paragraph (5), on terms the Secretary considers reasonable, sell, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part in order to maintain the quality or quantity of the petroleum

distillate in the Reserve or to maintain the operational capability of the Reserve.

“CONDITIONS FOR RELEASE; PLAN

“SEC. 183. (a) The Secretary may release petroleum distillate from the Reserve under section 182(5) only in the event of—

“(1) a severe energy supply disruption;

“(2) a severe price increase; or

“(3) another emergency affecting the Northeast,

which the President determines to merit a release from the Reserve.

“(b) Within 45 days of the date of the enactment of this section, the Secretary shall transmit to the President and, if the President approves, to the Congress a plan describing—

“(1) the acquisition of storage and related facilities or storage services for the Reserve;

“(2) the acquisition of petroleum distillate for storage in the Reserve;

“(3) the anticipated methods of disposition of petroleum distillate from the Reserve; and

“(4) the estimated costs of establishment, maintenance, and operation of the Reserve.

The storage of petroleum distillate in a storage facility that meets existing environmental requirements is not a

1 ‘major Federal action significantly affecting the quality of
2 the human environment’ as that term is used in section
3 102(2)(C) of the National Environmental Policy Act of
4 1969.

5 “NORTHEAST HOME HEATING OIL RESERVE ACCOUNT

6 “SEC. 184. (a) Upon a decision of the Secretary of
7 Energy to establish a Reserve under this part, the Sec-
8 retary of the Treasury shall establish in the Treasury of
9 the United States an account know as the ‘Northeast
10 Home Heating Oil Reserve Account’ (referred to in this
11 section as the ‘Account’).

12 “(b) The Secretary of the Treasury shall deposit in
13 the Account any amounts appropriated to the Account and
14 any receipts from the sale, exchange, or other disposition
15 of petroleum distillate from the Reserve.

16 “(c) The Secretary of Energy may obligate amounts
17 in the Account to carry out activities under this part with-
18 out the need for further appropriation, and amounts avail-
19 able to the Secretary of Energy for obligation under this
20 section shall remain available without fiscal year limita-
21 tion.

22 “EXEMPTIONS

23 “SEC. 185. An action taken under this part—

24 “(1) is not subject to the rulemaking require-
25 ments of section 523 of this Act, section 501 of the

1 Department of Energy Organization Act, or section
2 553 of title 5, United States Code; and

3 “(2) is not subject to laws governing the Fed-
4 eral procurement of goods and services, including
5 the Federal Property and Administrative Services
6 Act of 1949 (including the Competition in Con-
7 tracting Act) and the Small Business Act.”.

8 (2) AUTHORIZATION OF APPROPRIATIONS.—

9 There are authorized to be appropriated such sums
10 as may be necessary to carry out part D of title I
11 of the Energy Policy and Conservation Act.

12 SEC. 607. None of the funds in this Act may be used
13 to pay the salary of any employee of the Department of
14 Energy at the Los Alamos National Laboratory who has
15 failed to undergo a polygraph examination pursuant to
16 section 3154(e) of Public Law 106–65.

17 SEC. 608. (a) IN GENERAL.—None of the funds
18 made available in this Act may be used to pay any basic
19 pay of an individual who simultaneously holds or carries
20 out the responsibilities of—

21 (1) a position within the National Nuclear Se-
22 curity Administration; and

23 (2) a position within the Department of Energy
24 not within the Administration.

(b) EXCEPTIONS FOR ADMINISTRATOR FOR NUCLEAR SECURITY AND DEPUTY ADMINISTRATOR FOR NAVAL REACTORS.—The limitation in subsection (a) shall not apply to the following cases:

(1) The Under Secretary of Energy for Nuclear Security serving as the Administrator for Nuclear Security, as provided in section 3212(a)(2) of the National Nuclear Security Administration Act (50 U.S.C. 2402(a)(2)).

(2) The director of the Naval Nuclear Propulsion Program provided for under the Naval Nuclear Propulsion Executive Order serving as the Deputy Administrator for Naval Reactors, as provided in section 3216(a)(1) of such Act (50 U.S.C. 2406(a)(1)).

This Act may be cited as the “Energy and Water Development Appropriations Act, 2001”.

Passed the House of Representatives June 28 (legislative day, June 27), 2000.

Attest:

Clerk.

106TH CONGRESS
2D SESSION

H. R. 4733

AN ACT

Making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.